

BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF :

KIM HILL

V

No. 08-0593

COMMONWEALTH EDISON COMPANY

Complaint as to billing/
charges in Chicago, Illinois.

Chicago, Illinois

January 8, 2009

Met pursuant to notice at 10:00 a.m.

BEFORE :

MR. JOHN RILEY, Administrative Law Judge.

APPEARANCES :

MS. KIM HILL
4936 West Gladys Avenue
Chicago, Illinois
appeared pro se;

MR. MARK L. GOLDSTEIN
3019 Province Circle
Mundelein, Illinois 60060
appeared for Peoples Gas.

SULLIVAN REPORTING COMPANY, by
Teresann B. Giorgi, CSR

1	<u>I N D E X</u>				
2					By
3	<u>Witnesses:</u>	<u>Nar.</u>	<u>Dir.</u>	<u>Crx.</u>	<u>Examiner</u>
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1 (Whereupon, Respondent's
2 Exhibits 1A, 1B, 2, 3, 4,
3 5A and 5B were marked for
4 identification.)

5 JUDGE RILEY: Pursuant to the direction of
6 the Illinois Commerce Commission, I call
7 Docket 08-0593. This is a complaint by Kim Hill
8 versus Commonwealth Edison Company as to billing and
9 charges in Chicago, Illinois.

10 Ms. Hill, I understand that you are
11 still appearing pro se, that's without an attorney?

12 MS. HILL: Yes. We tried to seek an attorney,
13 but from my understanding, if it was up under a
14 thousand dollars, that's what was told to us that --

15 JUDGE RILEY: Okay.

16 And, Mr. Goldstein, you are here for
17 Commonwealth Edison.

18 MR. GOLDSTEIN: That is correct, Judge.

19 JUDGE RILEY: Enter an appearance.

20 MR. GOLDSTEIN: On behalf of Commonwealth Edison
21 Company, Mark L. Goldstein, 3019 Province Circle,
22 Mundelein, Illinois 60060. My telephone number is

1 847-949-1340.

2 I have with me today John Parise and
3 ComEd's witness, Charisse Marsaw.

4 JUDGE RILEY: I'm sorry, Ms. Marsaw, spell your
5 first name for us, please.

6 MS. MARSAW: Sure. C-h-a-r-i-s-s-e
7 M, like Mary, -a-r-s, like Sam, -a-w.

8 JUDGE RILEY: Thank you.

9 And at this point we were scheduled to
10 begin an evidentiary hearing.

11 In the interest of full disclosure, I
12 did have a conversation with Mr. Parise this
13 morning, in the corridors, and he suggested to me
14 that I ask Ms. Hill, what was it that you wanted to
15 get out of this hearing? Are you still contesting
16 the \$700? That is what I understand from the
17 transcript of our status last December.

18 MS. HILL: Yes. I just want them to go over
19 that and look at this again because we were billed
20 incorrectly. We've been paying into it as this
21 process has been going on. We just want to get that
22 corrected and give us back the money that we've paid

1 into a bill that we were charged incorrectly.

2 JUDGE RILEY: You still feel that the \$700 was

3 an error?

4 MS. HILL: Correct.

5 JUDGE RILEY: Are you prepared to go forward

6 with your case today?

7 MS. HILL: Yes.

8 JUDGE RILEY: Will you be testifying?

9 MS. HILL: Yes.

10 (Witness sworn.)

11 JUDGE RILEY: Please testify as to why you think

12 the \$700 was billed in error.

13 KIM HILL,

14 called as a witness herein, and after having been

15 first duly sworn, testified in the narrative as

16 follows:

17 MS. HILL: My lights went out on the 12th of

18 August suddenly and I thought that it was a power

19 outage in the neighborhood.

20 JUDGE RILEY: Now, that was in 2008?

21 MS. HILL: Correct. I'm sorry. In 2008.

22 We had been there a year. And I had

1 transferred from 2324 North Drake Avenue, if I may
2 proceed, and this is my last bill (indicating) and I
3 had no past or overdue payment coming to Gladys
4 Avenue. When the lights went out in August and when
5 I called ComEd, they said, Oh, well, we must have
6 made a mistake. And they came out and turned my
7 lights back on immediately.

8 As the ComEd person came out to look
9 at the meters, they were in the wrong place. We
10 come to find out they had been like that for a
11 while. We believe -- we see that since our meters
12 were in the wrong place -- may I submit this?

13 JUDGE RILEY: Certainly.

14 MS. HILL: (Indicating.)

15 What happened was the 6 or 7 came from
16 this meter here (indicating) --

17 JUDGE RILEY: Now when you say "the 6 or 7," is
18 that the \$700?

19 MS. HILL: Correct. It was from the person
20 downstairs, which -- the neighbor downstairs.

21 JUDGE RILEY: Okay. Let's get a little
22 foundation here, first of all.

1 EXAMINATION

2 BY

3 JUDGE RILEY:

4 Q This is a two-story building?

5 A Correct.

6 Q And you are living in the second floor?

7 A Second floor.

8 Q When did you first move in there?

9 A We moved there June of 2007.

10 JUDGE RILEY: You can consult with Ms. Hill, but
11 Ms. Hill has to testify.

12 THE WITNESS: Okay.

13 JUDGE RILEY: June of '07.

14 Q You've lived there uninterrupted since
15 then?

16 A Correct.

17 Q Continuously, I should say.

18 A Yes.

19 Q And what were the nature of the bills that
20 you were get- -- were you billed -- you're alleging
21 that it was a first floor meter that was registering
22 your gas usage?

1 A My lights.

2 Q I'm sorry, your lights.

3 Go ahead.

4 A Our bills -- all of our bills have

5 Kim Hill, 4936, second floor, under the meter that

6 was incorrectly attached to my apartment.

7 Q That's 4936 West Gladys, is that correct?

8 A Correct. Second floor.

9 Q In Chicago.

10 A That is the meter that we've always -- it

11 was there when we got there.

12 Q And this is the first floor meter?

13 A The first floor meter was attached to our

14 second floor, which we thought was ours because we

15 were billed for a whole year, and we have the bills

16 here, with the Meter No. 889, from June of '07. And

17 so August 12th of '08, that's when it was discovered

18 when my lights were turned off.

19 Q Why were the lights turned off?

20 A Because they were supposed to turn off the

21 first floor's meter and they accidently turned of

22 mines because the meters were incorrectly attached.

1 Q Let me get this.

2 A So since the first floor, supposedly, had
3 our meter, this was their bill from the time that
4 they were there (indicating).

5 Q And what you have presented to me is part
6 of the bill from Commonwealth Edison --

7 A Exactly. And if you --

8 Q -- to someone by the name of Unique Hill?

9 A Correct.

10 Q Is that you?

11 A No, I'm Kim Hill.

12 Q Right. Who is Unique Hill?

13 A Unique Hill is my daughter.

14 Q Is she the account holder under this --

15 A That's her bill. Okay. This is not my
16 bill.

17 Q Let me understand just exactly where this
18 came from.

19 4936 West Gladys Avenue and it has a
20 "1" after that, means the first floor?

21 A Correct.

22 Q Your daughter lives on the first floor?

1 A She doesn't live there now, but she was
2 occupying the first floor when this happened,
3 because she was, you know, always talking about her
4 bill. So that's what was going on.

5 Q And this is a bill to a Unique Hill --

6 A Correct.

7 Q -- for \$602.54.

8 A Correct.

9 Q So the lights were turned off on
10 August 12th, 2008 --

11 A Correct.

12 Q -- because the first floor meter was
13 registering -- let me -- the first floor meter was
14 actually registering second floor usage. And
15 because the first floor account had not been paid,
16 they shut off the second floor?

17 A They shut off the second floor.

18 Q And that was all of your power -- all of
19 your electric power, is that correct?

20 A Correct, because we had her meter and she
21 had our meter.

22 Q Now, what happened after August 12, 2008?

1 A They came back out --

2 Q This is Commonwealth Edison?

3 A Commonwealth Edison came back out and they

4 turned my lights back on.

5 Q Did you have to make a payment to get the

6 service restored?

7 A No.

8 Q Had you notified Commonwealth Edison that

9 the lights had been turned off --

10 A Yes.

11 Q -- in what you perceived to be incorrectly?

12 A They said, We must have made a mistake,

13 when I called to Commonwealth Edison because we pay

14 our bill. We had no payment, no past due, no

15 overdue payment. We pay our bills on time and

16 everything. And I have the bills to prove it --

17 Q Right.

18 A -- with the meter number that we came there

19 with and the meter number now that's supposedly

20 given back to us, with the same account number on

21 both of them.

22 Q Understood.

1 Now, did Commonwealth Edison discover
2 that the first floor meter was registering second
3 floor usage after that, at that time?

4 A When ComEd came out that's when everything
5 was discovered. That's the best way I can describe
6 it.

7 Q And what did they do?

8 A ComEd marked the -- you know, the boxes.
9 He said, This is supposed to be your meter.

10 Q When he said this, what was he referring
11 to?

12 A The one on the first floor was supposed to
13 be mine.

14 Q All right.

15 A What he did was, he marked on the gray
16 boxes, This is the first floor meter, which was
17 attached to the second floor, you know, vice versa.

18 Q Okay. I understand that.

19 Did they make any kind of a mechanical
20 switch at that time?

21 A No, not at that time.

22 Q What did they do?

1 A He just came out, marked the meters. And I
2 said, My goodness, I says, So what's going to happen
3 now? Even at the time my daughter was saying that.
4 He says, I'm not worried about you, which he was
5 pointing to me, he says, I'm just maybe concerned
6 about the first floor. I said, Okay. So I said,
7 Let me get your name, let me get your name just in
8 case. So he gave me his name.

9 Q And then what?

10 A We got a bill for \$700.

11 Q Do you have that bill?

12 A We got this letter and here's the -- if I
13 may, your Honor --

14 Q Yes.

15 A -- here's another I would like to submit
16 for the downstairs. And these here are our bills
17 here for the second floor -- I mean, for the first
18 floor -- second floor that we have been paying
19 (indicating).

20 Q Now, after Commonwealth came back out and
21 turned your power back on, sometime after August 12,
22 I asked you, did they make any kind of a mechanical

1 switch with the --

2 A Not the day that we were there, they didn't
3 make a mechanical switch, but about a couple weeks
4 after that when we went to try to, you know, get
5 someone to represent us, I believe -- we went to
6 3333 on Arthington and so, you know, maybe they
7 called and next thing we know, when we came home
8 that evening they were miraculously put back.

9 Q Okay. The power was back on.

10 A No. My power -- they turned it back on
11 that day of August 12th. They came back out like --

12 Q Same day.

13 A Same day.

14 Q All right.

15 A But now the meters are back in its
16 positions that it was supposed to have been. They
17 said it had been like that for like five years.

18 Q When did they make the corrections with the
19 meters?

20 A All we know, we noticed it two weeks after
21 that. We just happened -- when we went to 3333
22 about -- you know, right after this happened, I'd

1 say, maybe what -- say about a couple weeks after
2 that, we noticed that it was back -- it was in the
3 position that it supposed to have been.

4 Q Now, when you say "the position," was there
5 some kind of a physical change in where they put the
6 meters?

7 A Correct.

8 Q That is what I was asking.

9 A Oh.

10 Q Was there a mechanical change?

11 A Yes. It was -- this was the position it
12 was in when we moved there until -- a little bit --
13 two weeks after August 12th (indicating).

14 MR. GOLDSTEIN: The record should indicate,
15 Judge, that Ms. Hill is pointing to ComEd Exhibit 4.

16 JUDGE RILEY: All right. Understood. Which is
17 a hand-drawn diagram with the building itself and it
18 indicates the position of two meters.

19 MR. GOLDSTEIN: Yes.

20 THE WITNESS: Correct.

21 JUDGE RILEY: Q Ms. Hill, which is your meter?

22 A 889 is -- this is the correct position it's

1 supposed to be in now. But when we moved there,
2 this meter was at the top, 889 was up here and 891
3 was down here (indicating).

4 Q Now hold it. Hold it.

5 A I'm sorry.

6 JUDGE RILEY: Let the record reflect that on
7 ComEd Exhibit 4, in the schematic drawing of the
8 building at 4936 West Gladys, it indicates one
9 meter on top of another, the upper meter is
10 No. 120281891, the lower meter is No. 120281889.

11 THE WITNESS: It shows here, if I may, that it
12 had to be at the top because --

13 JUDGE RILEY: Q "It had to be at the top"
14 doesn't tell me anything.

15 What meter are you referring to? What
16 had to be at the top?

17 A 889 was our meter.

18 Q That was your meter.

19 A That was the meter that was attached to my
20 second floor apartment.

21 Q According to the indication on this
22 drawing, it's the first floor meter.

1 A Correct, according to this indication on
2 the drawing.

3 Q So that was the first floor meter that was
4 measuring the second floor electric usage, is that
5 correct?

6 A Correct.

7 Q And the 891 meter, which indicates should
8 have been on the second floor, measuring second
9 floor usage, was actually measuring first floor
10 usage?

11 A Correct.

12 Q Now, did they physically alter these
13 meters, take the second floor meter and put it above
14 or below the first floor meter?

15 A We didn't see it, but two weeks after
16 August 12th it was like this (indicating).

17 Q As is shown on the diagram.

18 A Correct.

19 Q And is that the way it should be?

20 A That's the way they said it's supposed to
21 be.

22 Q All right. And that your proper meter

1 measuring your electric usage should always have
2 been 120281891?

3 A That's what ComEd said that's what it was
4 supposed to have been.

5 Q But it was your testimony that you were
6 actually being measured for the first floor on that
7 second floor meter, is that correct?

8 A The first -- the 889, which shows on this
9 diagram the first floor --

10 Q Right.

11 A -- was on the second floor.

12 Q It was measuring second floor usage.

13 A Correct.

14 Q So you were paying for the first floor
15 meter, for this 889 meter, for the usage that was
16 measured on this 889 meter when you should have been
17 measured for the usage shown on the 891 meter.

18 A From my understanding that what was told to
19 us by ComEd when they came out, even though we had
20 the 889 meter, it was attached to our second floor
21 and it was still measuring our usage from the second
22 floor.

1 Q That's what my understanding is. They call
2 it a crosscross. The first floor meter was
3 measuring second floor usage and the second floor
4 meter was measuring the first floor usage.

5 A Correct.

6 Q And because there was a -- for lack of a
7 better term -- a discrepancy in the payments on the
8 first floor meter, they inadvertently turned off the
9 power on the second floor, is that correct?

10 A Yes.

11 Q When you notified them of this, they came
12 out and immediately restored service.

13 A Correct.

14 Q And then sometime subsequent to that, about
15 two weeks or so after that, your electricity usage
16 was properly measured by the meter ending in
17 No. 891, which is indicated as being the second
18 floor meter, is that correct?

19 A Correct. Now they put the meter -- another
20 meter, which they said is supposed to be mine, to
21 measure my use now. I just had another meter to
22 measure my usage from the second floor.

1 Q This is a new meter?

2 A No, from my understanding it's the meter
3 that was measuring the first floor.

4 Q I understand what you are saying was,
5 probably, that the first floor meter was registering
6 the second floor usage. Now I'm trying to
7 understand whether or not the correction was made
8 and the second floor meter is properly measuring --

9 A Yes.

10 Q -- electricity on the second floor.

11 A Yes.

12 Q That was the correction that was made.

13 A Okay. Yes, after the 12th, August 12th.

14 Q That's what I wanted to make sure of.

15 And sometime during all of this you
16 received a bill for roughly \$700.

17 A Correct.

18 Q And the letter that you have offered to me
19 is dated August 14, 2008, in which Commonwealth
20 Edison explains to you that they had been billing
21 your electric usage to another customer and you had
22 been receiving bills for a location you do not

1 occupy. Consequently what Commonwealth Edison did
2 was acknowledge that the bills that were sent to you
3 had been lower than your actual use and that they
4 had corrected their records to show that the proper
5 meter serving your location is 120281891, which is
6 the second floor as shown on Exhibit 4.

7 A Correct.

8 Q And Commonwealth Edison also acknowledges
9 in the letter that this may result in future bills
10 being higher than the bills previously issued to
11 you. And that they debited your account at that
12 time \$642.14.

13 A That's correct.

14 Q All right.

15 A May I say one thing? When they said
16 something about a place that I do not occupy, see,
17 it goes back again because -- no one had lived there
18 for awhile. They were working on that first floor
19 building for a new tenant. I believe what happened,
20 because the meters were, you know, different, you
21 know, in the wrong places, that's what they got that
22 from, because we've always been there and our bills

1 and everything reflects that.

2 Q And what you're contesting then in this
3 hearing is the debiting of your account for the
4 initial \$642.14 that has eventually grown to over
5 \$700, is that correct?

6 A Yeah, it's about 700. We've been paying
7 into it. We still -- we just, you know, went on --
8 got on -- you know, so that we wouldn't be in the
9 dark since this thing came up here. So we've just
10 been paying and just hoping, you know, they can look
11 into this.

12 Q Two of the other documents that you've
13 offered here, they haven't been marked as evidence
14 yet, but one is a bill dated September 5, 2008, for
15 \$757.11.

16 A Uh-hum.

17 Q And another one dated October 3rd, 2008,
18 for \$726.09. Now, you have been making payments of
19 some kind on each of these bills each month?

20 A Yes.

21 Q Have you paid all of these bills --

22 A We owe --

1 Q -- the entire amounts?

2 A We've always paid our bills. And then
3 since they brought this up we paid, I think,
4 \$300-something into that \$700-something there, you
5 know, just to comply, you know.

6 Q But going back one more time, is it my
7 understanding that it's this balloon bill of \$642.14
8 that has eventually grown to over \$700 --

9 A Yes.

10 Q -- that you're contesting?

11 A Yes.

12 Q Okay. Did I understand correctly that you
13 were put on a payment plan by Commonwealth Edison --
14 or that you accepted a payment plan?

15 A I accepted a payment plan because, you
16 know, I felt helpless. They were saying, This is
17 your bill. This is your bill. You know, we're
18 doing this here. And by this \$700 coming up, I
19 didn't want them to turn my lights off, so I agreed
20 to the payment plan and just continued, you know,
21 with my plight.

22 Q And what were the terms of the payment

1 plan, do you recall?

2 A I think it was like two years, they gave
3 us -- We'll give you 2 years, \$24 a month, you know.

4 Q Plus your regular usage.

5 A Plus my regular usage.

6 Q Do you remember when you were put on that
7 payment plan?

8 A Right after that happened.

9 Q Right after the large bill was received?

10 A Yeah. I think when that bill right there
11 showed -- that's when we got it, after that letter
12 and then we started getting that (indicating).

13 Q Ms. Hill, can you confirm that
14 your Commonwealth Edison account number is
15 No. 7236068042?

16 A Yes -- wait a minute, let me make sure.
17 Okay. Yes, that is my account number continuously
18 from the day which I came there.

19 Q Did Commonwealth Edison ever render an
20 explanation to you as to why you received that large
21 bill?

22 A The only thing that they say is, You've

1 been paying first floor's meter, first floor's meter
2 been paying your meter, something like that.

3 Q Was there an explanation given to you over
4 and above the explanation in this letter?

5 A No.

6 Q In the August 14th, 2008 letter?

7 A No.

8 Q Do you have anything else to offer in
9 support of your contention that the --

10 A I had a paper here, I don't exactly know
11 what it means, but it came from two different
12 sources. Maybe it's something you can see, if I may
13 (indicating).

14 Q With regard to this, it's a Commonwealth
15 Edison account activity statement, dated December 2,
16 2008. Was this submitted to you by Commonwealth
17 Edison?

18 A You know, yeah, both of them like came from
19 ComEd. I don't know what it meant.

20 Q There's another one, ComEd account activity
21 statement, dated October 26, 2008.

22 A Right. I don't know what it means, but I

1 just noticed they're just something -- just looked
2 different.

3 MR. GOLDSTEIN: Judge, for the record, ComEd is
4 going to submit as Exhibits 1A and 1B an updated
5 account activity statement for Ms. Hill, which is
6 currently dated at January 5th, 2009.

7 JUDGE RILEY: All right.

8 MR. GOLDSTEIN: I think for her to have those
9 prior activity statements will just be redundant.

10 THE WITNESS: Well, one was given to us at --

11 JUDGE RILEY: Hold on.

12 Q That was my question. How did you get in
13 receipt of these, do you remember?

14 A I remember one was given to us at the first
15 hearing and one was sent to me through the mail.

16 MR. GOLDSTEIN: I believe Mr. Parise gave
17 Ms. Hill the October activity statement.

18 JUDGE RILEY: All right. But you have much more
19 up-to-date statements --

20 MR. GOLDSTEIN: As an exhibit, Judge.

21 JUDGE RILEY: -- that you plan to submit as
22 exhibits, right?

1 MR. GOLDSTEIN: Correct.

2 JUDGE RILEY: And it would contain the same
3 information as contained in the documents that
4 Ms. Hill has just --

5 MR. GOLDSTEIN: Yes, it will, Judge.

6 JUDGE RILEY: Q Ms. Hill, are you at any
7 time -- or were you at any time dissatisfied with
8 the payment plan that you were on?

9 A I was dissatisfied because I believe that
10 it was not my bill. And I went on and paid it
11 because I didn't want to take a chance on being in
12 the dark and so I agreed to it.

13 Q All right. I understand.

14 A You know, I'm -- I used to work part-time.
15 I, you know, receive Disability. I don't even get
16 \$800 a month. I don't even get \$700 a month. And I
17 couldn't afford to be in the dark with a lot of
18 things that's going on.

19 JUDGE RILEY: At this point, then, I'm going to
20 turn you over to Mr. Goldstein. And we will get
21 back to the matter of these documents that you've
22 submitted to me.

1 Mr. Goldstein, do you want to take a
2 look at these? This is for cross-examination.

3 Let the record reflect this does not
4 preclude me from recalling Ms. Hill if I have
5 further questions.

6 MR. GOLDSTEIN: I have just a few questions for
7 clarification, Judge, if I may.

8 CROSS-EXAMINATION

9 BY

10 MR. GOLDSTEIN:

11 Q Ms. Hill, when ComEd personnel came out to
12 4936 West Gladys on August 12th of 2008, as I
13 understood it, the service person changed the labels
14 on the meters, is that right?

15 A No.

16 Q What did the person do?

17 A He just marked which meter was supposed to
18 have been mine, Floor 1, and he just marked the
19 meters on the floors that's supposed to be.

20 Q Did you see that serviceperson actually
21 physically switch the meters?

22 A No.

1 Q At any time after August 12th, 2008, did
2 you see any ComEd service person or personnel
3 physically move the meters from one place to
4 another?

5 A No.

6 Q Do you have any -- did you see any physical
7 evidence around the meters which would indicate that
8 the meters were moved from one place to another?

9 A No.

10 Q Okay. How many electric meters service
11 4936 West Gladys?

12 A Two. There's only two floors in the
13 building.

14 Q Now, you received a letter on August 14th,
15 2008, from ComEd and you've marked down there the
16 name of a person. Do you see that name?

17 A Yes.

18 Q Did you have a conversation with Charisse
19 Marsaw on that date with respect to your billing for
20 the second floor at 4936 West Gladys?

21 A Yes.

22 Q And did she explain to you what the billing

1 problem was with respect to billing the first floor
2 and the second floor at 4936 West Gladys?

3 A What she told me was that we were paying
4 for first floor meter, first floor was paying for
5 ours.

6 Q And that's reflected in that letter dated
7 August 14th, 2008, is it not?

8 A I really don't quite understand the letter
9 that much. So I really don't even understand this
10 letter.

11 Q Well, you do understand, based upon the
12 discussion that I've just had with you, that, in
13 fact, the meters were not physically moved. All
14 that was done was changing the billing for the first
15 floor and the second floor at 4936 West Gladys, do
16 you understand that?

17 A Wait a minute, can you -- because I was
18 reading the letter.

19 Q Okay.

20 Could you repeat the question,
21 Ms. Reporter.

22 (Whereupon, the last

1 question was read back.)

2 THE WITNESS: I don't quite understand what you
3 mean by "changing the billing."

4 MR. GOLDSTEIN: Q Well, you ended up with a
5 bill that you said was for the first floor, you
6 understand that much, right?

7 A I just know that the bill is not mine.

8 Q Now, if, in fact, the bills are correct,
9 you would agree to pay those bills, would you not,
10 and you've entered into a deferred payment
11 arrangement to pay bills like that, have you not?

12 A Can you repeat that one more time.

13 MR. GOLDSTEIN: Do you want to repeat that,
14 again, too?

15 (Whereupon, the last
16 question was read back.)

17 THE WITNESS: I had been paying the bills that
18 were correctly billed to me.

19 MR. GOLDSTEIN: Q And, Ms. Hill, if the amount
20 of electricity that flowed through the meter
21 servicing the second floor is accurately reflected
22 on the bills that you received subsequently, you

1 would agree that those are your bills and you should
2 be paying for that electricity?

3 A I don't quite understand what you mean. I
4 just -- all I do is, I pay my bills that come out of
5 the usage from my apartment.

6 MR. GOLDSTEIN: All right. I have nothing else,
7 Judge.

8 JUDGE RILEY: All right. Thank you.

9 And at this time, then, I'm going to
10 take just about a five-minute recess and when we
11 return I've got one more question for Ms. Hill when
12 I come back.

13 (Whereupon, a short
14 recess was taken.)

15 FURTHER EXAMINATION

16 BY

17 JUDGE RILEY:

18 Q Ms. Hill, with regard to the documentation
19 that you had submitted to me earlier, do you still
20 have it, or has it all been put away? I should have
21 told you to keep it out.

22 (Short pause.)

1 JUDGE RILEY: Q Ms. Hill, what I have retained
2 here is the August 14th, 2008 letter that you had
3 referred to. What I have already noted were
4 September 5, 2008 and October 3, 2008 bills that
5 were sent to you. And then there's also a
6 Commonwealth Edison receipt, dated October 1, 2008,
7 in the amount of \$130. And, these, do I understand,
8 you want to mark as exhibits and move for admission
9 into evidence?

10 A Yes.

11 JUDGE RILEY: The letter dated August 14, 2008,
12 is Complainant's Exhibit 1. The bill dated
13 September 5, 2008, is Complainant's Exhibit 2. The
14 bill dated October 3, 2008, is Complainant's
15 Exhibit 3. And the receipt dated October 1, 2008,
16 is Complainant's Exhibit 4.

17 Mr. Goldstein?

18 MR. GOLDSTEIN: I have no objections to those
19 exhibits, Judge.

20 JUDGE RILEY: Then Complainant's Exhibits 1
21 through 4 are admitted into evidence, and I'll get
22 copies made before we leave.

1 (Whereupon, Complainant's
2 Exhibits 1 through 4 were
3 admitted into evidence.)

4 JUDGE RILEY: Q Did you want to call -- is it
5 Mr. Nicks, as a witness?

6 A Yes.

7 Q What is he going to testify to that you
8 have not already testified to?

9 A Well, you know, if there was any questions
10 that anyone else had because, you know, he's family
11 also with what's going on.

12 Q But he, basically, has the same knowledge
13 that you have about the situation?

14 A Yes.

15 Q All right, then, it wouldn't be needed. It
16 would just be duplicative testimony.

17 A Okay.

18 JUDGE RILEY: Mr. Goldstein, I'm going to turn
19 the matter over to you.

20 MR. GOLDSTEIN: Could we go off the record
21 briefly before I begin my examination of Ms. Marsaw?

22 JUDGE RILEY: Okay.

1 (Whereupon, a discussion
2 was had off the record.)
3 JUDGE RILEY: At this time you are calling
4 Ms. Charisse Marsaw?
5 MR. GOLDSTEIN: That's correct, Judge.
6 (Witness sworn.)
7 JUDGE RILEY: Please proceed.
8 CHARISSE MARSAW,
9 called as a witness herein, and after having been
10 first duly sworn, was examined and testified as
11 follows:
12 DIRECT EXAMINATION
13 BY
14 MR. GOLDSTEIN:
15 Q Ms. Marsaw, would you state your full name,
16 business address and by whom are you're employed.
17 A Sure. Charisse Marsaw, business address is
18 1919 Swift Drive, Oak Brook, Illinois. I'm employed
19 by ComEd.
20 Q And what is your current position with
21 ComEd?
22 A My current position is a customer relations

1 business analyst.

2 Q And how long have you been employed by
3 ComEd?

4 A 10 and a half years.

5 Q And how long have you been in your present
6 position as a customer relations business analyst?

7 A A year and a half.

8 Q Could you describe your duties as a
9 customer relations business analyst?

10 A Sure. I act as a liaison between ComEd
11 customers and outside business agencies. If a
12 customer were to submit a complaint of some sort to
13 either the Illinois Commerce Commission, Better
14 Business Bureau, Citizens Utility Board or any other
15 agency or if they were to submit a complaint letter
16 to our executive office, I would act as the liaison
17 between the Company and the customer and address
18 their concerns.

19 Q How did you become familiar with the
20 complaint filed by Kim Hill?

21 A This complaint was submitted as an Illinois
22 Commerce Commission complaint.

1 Q And did you, in fact, have a conversation
2 with Ms. Hill on August 14th, 2008?

3 A That is correct.

4 Q And is that conversation reflected in
5 the letter that has been marked as Complainant's
6 Exhibit 1 in this case?

7 A Yes.

8 Q Now, let's look first at what has been
9 marked as ComEd Exhibit 1A and 1B. Could you
10 explain what that exhibit is?

11 A Sure. 1A and 1B is referred to as an
12 account activity statement, it's for a two-year
13 period of time. It goes back from June 11, 2007,
14 until December 29, 2008.

15 Q And this is for the account of Kim D. Hill
16 at 4936 West Gladys in Chicago, Floor 2, is that
17 right?

18 A That is correct.

19 Q And her account number ends in 68042, is
20 that right?

21 A That is correct.

22 Q And with respect to this account activity

1 statement, Ms. Marsaw, does ComEd keep an account
2 activity statement on all its customers?

3 A Yes, we do.

4 Q And is this account activity statement part
5 of the Company's books and records?

6 A It is.

7 Q And is it kept in the Company's ordinary
8 course of its business?

9 A Yes, it is.

10 Q Now, could you walk through, with respect
11 to this exhibit, starting with June 17th of 2007,
12 and describe for us what is shown on this exhibit
13 through the date of August 14th, 2008.

14 A Sure. What it states here is, it's
15 separated into various columns with dates, the type
16 of charges, billing periods and it indicates the
17 meter numbers and the amount that's charged, any
18 payments that's made, it's reflected on here as
19 well, balance due, amount the customer was billed,
20 et cetera, and the due dates.

21 On this particular activity statement
22 you could see that from June 11th, 2007 until

1 August 6th, 2007, those are actual usage, electric
2 service charges --

3 Q You meant through August 6th, 2008, did you
4 not?

5 A I'm just speaking of the first two electric
6 service portions.

7 Q Okay.

8 A Because we do go back 2 years -- I'm sorry,
9 1 year, in order to make adjustments. If you would
10 look over to your left you'll see as of September
11 4th, 2007, that's when we canceled out the first
12 electric service and it goes month to month for a
13 12-month period of time.

14 For each of those months, those
15 particular bills, once it was determined of the mix
16 meter situation at the address, those were canceled
17 out, the original amount that she was charged. And
18 then if you would go all the way down to the end of
19 the page you will see that as of August 14th, 2008,
20 that's where the bill was readjusted. We had to
21 readjust each one of those months. There's dollar
22 amounts that would indicate the new amount the

1 customer was charged.

2 The way we do this is, when a mix
3 meter situation is determined, the very first thing
4 that takes place is the cancelation of the bills.
5 So they cancel out the bills. And if you would look
6 on August 14th you will see a credit for 537.50.
7 That is the first step. They cancel out. There's a
8 credit to the customer's account. And then their
9 rebilling starts after that. So the rebilling
10 starts. After that it goes on to Exhibit 1B --

11 Q Before we go to Exhibit 1B, Ms. Marsaw, on
12 August 14th of '08, there's an indication, three
13 lines from the bottom, of cross-meter, what does
14 that mean?

15 A Right. That is the credit -- it's
16 indicated as a cross-meter. A cross-meter billing
17 is simply indicating there was a billing issue.
18 This is not a switch meter situation. This is
19 simply a billing issue. Whereas, after the bills
20 are canceled, therefore, a credit will be issued and
21 it's termed a cross-meter.

22 Q All right. Let's now look at ComEd

1 Exhibit 1B.

2 A 1B. The debits continue. This is going to
3 be for a 12-month period of time. It still
4 indicates the meter number that she was originally
5 charged for.

6 Q And that was the meter number that ends
7 in --

8 A Ending in 889, that is correct.

9 And then after that, as of
10 September 5th, 2008, to October 3rd, 2008, you will
11 see the new meter number. That is the correct meter
12 number that the customer is responsible for. And
13 billing began using the correct meter number.

14 Q And that meter number ends in 891, is that
15 right?

16 A That is correct.

17 The customer entered into a payment
18 arrangement, which is indicated on this activity
19 statement, as well.

20 Q Is there anything else you would like to
21 comment about with respect to ComEd's Exhibit 1A and
22 1B?

1 A Because it coincides with Exhibit 2, you
2 will see that for each of those months the customer
3 was billed for -- Exhibit 2 actually spells out the
4 amount, what the customer was billed and what the
5 customer should have been billed for. And this will
6 match up with the activity statement, Exhibit 1A and
7 1B.

8 Q And the information that's contained on
9 ComEd Exhibit 2, the kilowatt hours used, that
10 information can be found on ComEd Exhibit 1A and 1B.

11 A That is correct.

12 Q And this exhibit, ComEd Exhibit 2, was
13 prepared for you by someone else, but under your
14 direction, correct?

15 A That is correct.

16 Q Is there anything else you would like to
17 comment about with respect to ComEd Exhibit 2?

18 A No, there isn't.

19 Q So, basically, the information contained on
20 Exhibit 2 was taken from the books and records of
21 ComEd, kept in the ordinary course of its business,
22 is that right?

1 A That's correct.

2 Q Now, could you explain a little bit more of
3 what is shown on ComEd Exhibit 2 with respect to
4 what was billed and what should have been billed?

5 A Sure. It goes from -- the earliest dates
6 are at the bottom. It goes up to the most current
7 dates. And it indicates here, the first column is
8 the billing dates from August 6th, 2007, to
9 September. The kilowatts that the customer was
10 billed for was 247 kilowatt. She was billed for
11 \$38.40. When, in fact, the actual usage for her
12 correct meter number, and the meter numbers are
13 indicated at the top, for her correct meter number,
14 891, the usage was 994 kilowatts for that particular
15 month. And the amount the customer should have been
16 billed for was 125.78. These were all actual
17 readings. We knew what the readings were. And this
18 took place from month to month.

19 This particular exhibit indicates that
20 the customer was billed for that 12-month period of
21 time for 4,001 kilowatts when, in fact, there was
22 9,681 kilowatts used.

1 Q And the calculation of what the
2 differential is, is shown handwritten on the bottom
3 of Exhibit 2.

4 A That is correct. There is a shortage of
5 5,680 kilowatts which, in Ms. Hill's case, indicated
6 a debit of \$642.14.

7 Q Now, let us turn to ComEd Exhibit 3, that's
8 entitled, Kim Hill Usage History, in an account
9 ending in 68042, do you see that?

10 A I do.

11 Q And as I understand this exhibit,
12 Ms. Marsaw, this shows that with respect to all of
13 the meter readings up until the December 4th, 2008
14 reading, all of the readings that were taken of
15 Ms. Hill's meter were actual readings of the meter.

16 A That is correct. These were actual
17 readings. These were not estimated readings.

18 Q Is there anything else you would like to
19 point out with respect to ComEd Exhibit 3?

20 A It's pretty clear. Each month you'll see
21 two entries for that particular billing period. One
22 is the amount the customer was originally -- or the

1 kilowatt usage the customer was originally charged
2 for and then you'll see the corrected usage and that
3 takes place for each month for a 12-month period of
4 time.

5 Q Now let's turn to ComEd Exhibit 4. There's
6 been some discussion of this exhibit already. This
7 is the drawing of 4936 West Gladys, Floors 1 and
8 2 --

9 A Yes.

10 Q -- and the meters servicing those two
11 floors of the building, is that correct?

12 A That is correct.

13 Q Could you explain how the problem arose
14 regarding the mislabeling of the meters at
15 4936 West Gladys?

16 A We're not sure how this took place.
17 There's a number of different ways a situation like
18 this could occur. It could have taken place when
19 the meters were originally set. If there was any
20 rewiring that took place at the address, could have
21 happened at that particular point in time, or it
22 also could have happened maliciously whereas someone

1 intentionally moved the meters.

2 Q You heard the explanation given by Ms. Hill
3 with respect to this service person going out to
4 4936 West Gladys on August 12th, 2008, with respect
5 to what the meter person did. Does that comport
6 with the billing that was subsequently provided to
7 Ms. Hill for the second floor at 4936 West Gladys?

8 A Yes.

9 Q So could you explain now how ComEd fixed
10 the meter billing problem at 4936 West Gladys.

11 A When a situation such as this occurs, it is
12 brought to our attention, the way that this is taken
13 care of is simply if you would look at Exhibit 4,
14 if in fact the customer was charged for 889, Meter
15 No. 889, she would have been charged -- well, what
16 we would do then is make sure that the meters are
17 labeled correctly. So this is simply a billing
18 situation. It's not an actual switching of meters
19 that would take place. So it's a labeling -- they
20 would label, make sure the labels are corrected at
21 the premise and the billing will reflect the correct
22 meter number.

1 Q And based upon testimony Ms. Hill gave this
2 morning, is that your understanding what occurred at
3 4936 West Gladys when ComEd service personnel went
4 out there on August 12th, 2008?

5 A Yes.

6 Q Could you elaborate about the billing that
7 took place at 4936 West Gladys based upon the
8 misbilling of the accounts there?

9 A Sure. Basically, what happens is where a
10 customer that is being billed too little, we'd go
11 back one year. As you can see from Exhibit 2, that
12 is what took place. This a 12-month period of time.
13 So the customer that was underbilled if, in fact,
14 you should have been -- if you were underbilled, we
15 would go back for a 12-month period of time. The
16 customer that is overbilled, we'd go back for a
17 2-year period of time and make adjustments to the
18 account.

19 Q So in Ms. Hill's case, her account was
20 debited \$642.14, is that right?

21 A That is correct.

22 Q Is there a Commission rule that allows you

1 to correct this billing issue and rebill Ms. Hill
2 for one-year period of electric service?

3 A Yes, there is, it is 83 Illinois
4 Administrative Code 280, which allows ComEd to go
5 back and rebill Ms. Hill, as it was done and as is
6 shown in Exhibits 1 and 2.

7 Q And for convenience sake, 83 Illinois
8 Administrative Code 280.100 has been marked as
9 ComEd Exhibit 5A and B, is that right?

10 A Yes.

11 Q So for the customer that was overbilled, as
12 I understand it, that customer who was on the first
13 floor, Ms. Unique Hill, was -- the Company goes back
14 for two years and credits that customer for the
15 amount of the overbilling, is that right?

16 A That's correct.

17 Q And has the mislabeling of the meters, as
18 you understand it from Ms. Hill's testimony, been
19 corrected by ComEd?

20 A Yes. Each customer is now paying for their
21 own electric usage.

22 Q Based on the fact that the customer was --

1 in this case Ms. Hill, was billed less than she
2 should have been, why does not ComEd fix it moving
3 forward and not rebill her account?

4 A Well, based on the tariffs ComEd must
5 protect all ratepayers. You know, in order to do
6 this there's rules and regulations that's
7 implemented. We have to make sure that we're
8 operating ethically correct. We have to do this for
9 all of our customers. So that being the case, if
10 not, we would have gone back for a two-year period
11 of time with Ms. Hill. But one year is our rule for
12 the customer that was underbilled and two-year
13 credit. So, in fact, ComEd is actually losing money
14 because we did not bill -- we are not going to
15 receive payment for that additional year that the
16 customer was not charged for.

17 Q And, in fact, the Exhibit 5A and B, which
18 is 83 Illinois Administrative Code 280.100, requires
19 that the Company go back one year --

20 A That is correct.

21 Q -- and rebill the account.

22 A That is correct.

1 Q In this case, Ms. Hill's account.

2 A That is correct.

3 MR. GOLDSTEIN: I have nothing else.

4 I would move into evidence ComEd
5 Exhibits 1 through 5.

6 JUDGE RILEY: All right. Thank you,
7 Mr. Goldstein. I'll take your motion under
8 advisement, subject to any cross-examination that
9 Ms. Hill may have for the witness.

10 Do you have any questions for the
11 witness with regard to what she has testified to?

12 CROSS-EXAMINATION

13 BY

14 MS. HILL:

15 Q The reason -- what I want to know is that
16 when my lights went out on August 12th, why did my
17 lights go out?

18 A Your lights went out because our
19 technician -- there were payments that were not
20 received, just like you were billed for Meter
21 No. 889, they had notations, they had actual
22 information of which particular unit they were to

1 shut off, okay. So if in fact Meter No. 889 was the
2 usage -- if 889 was the particular meter number.
3 That you were being billed for, but, in fact, it was
4 labeled incorrectly, they would have turned off the
5 incorrect meter, which is what took place with your
6 address.

7 So this is strictly billing purposes.
8 So when he came out, if he sees Unit No. 1 and he
9 knows he's to turn off Unit No. 1, shuts off the
10 meter that is labeled Unit No. 1, your lights go
11 off, that simply indicates the labeling was
12 incorrect. That's why your lights went off instead
13 of the other meter.

14 Q Then why did they turn them back on?

15 A They turned them back off because --

16 MR. GOLDSTEIN: Back on.

17 THE WITNESS: They turned them back --

18 JUDGE RILEY: She's asking about why was the
19 service turned back on.

20 THE WITNESS: They were turned back on because
21 she was not the responsible party.

22 JUDGE RILEY: All right.

1 THE WITNESS: And that's when the mix meter
2 situation was discovered.

3 All her bills were being paid, so
4 there was absolutely no reason for her lights to be
5 off.

6 MS. HILL: Q The last question is that when
7 they came out on the 12th of August, that's when
8 they put the correct floor that the meters were
9 supposed to be on. They only did that after that
10 was discovered.

11 A That's correct.

12 Q Well, if I had the Meter 889 that wasn't
13 supposed to be given to me, wasn't supposed to be
14 mine, then why was I credited \$537?

15 A That's part of the rebilling process. As I
16 stated before, the very first thing they do in a
17 situation like this, is to first cancel out all of
18 the bills. If you would look at the total, that
19 537.50, you were to add up all of the charges, that
20 goes along with Exhibit 2, add up all the charges
21 that you were incorrectly charged for, it totals
22 537.50.

1 So the very first step is to cancel
2 out those bills. There's a credit that's applied.
3 And then they're going to do the rebilling process,
4 which is what took place afterwards.

5 Q On this Exhibit 1B, what it has here -- I
6 don't know, it has 0308 electric service, and under
7 that it has -- let's see here -- oh, yes, I'm sorry,
8 9508 under there, it has under that meter number --
9 this is a totally different meter number. What is
10 this here, the 995416542? And my name is on this.

11 A There's no charges applied to that.

12 Q But I'm looking for -- why would that meter
13 number be on here?

14 A I don't know. I'm not familiar with that.
15 That's how they work the adjustment. I'm not
16 familiar with that particular, you know, number. I
17 know when they do adjustments such as this, they
18 have to temporarily put things in certain slots in
19 order to make the actual adjustment.

20 I do see immediately afterwards and
21 this all takes place on the exact same day, you will
22 see that the meter number ending with 891 becomes

1 the new meter number.

2 Q But the one before that, where did that
3 come from?

4 A That's only for ComEd records, it appears.

5 Q Can someone explain to me why this meter
6 number is on my sheet?

7 A It's no meaning whatsoever to the customer.
8 It's basically part of the adjustment process. It's
9 not going to indicate any type of meaning whatsoever
10 towards the customer. It takes place the exact same
11 day that your correct meter number is applied.

12 Q Okay. The last question that I have is,
13 I've been billed Kim Hill, 4936 West Gladys Avenue,
14 second floor with the 889 meter number. And we've
15 been paying on our bills --

16 A That is correct.

17 Q -- for a year.

18 A Uh-hum.

19 Q I've had the same account number and the
20 meter, so are you saying -- I don't understand, it's
21 like -- I don't know, I'm looking at -- a mistake in
22 the printout. I'm looking at, you know, my lights

1 going out. I'm looking at physically the meter was
2 not in the position that Exhibit 5 was on.

3 MR. GOLDSTEIN: What Exhibit 5? Is there a
4 question?

5 MS. HILL: I'm sorry, Exhibit 4.

6 MR. GOLDSTEIN: Is there a question that you're
7 asking the witness, Ms. Hill?

8 JUDGE RILEY: Mr. Goldstein, do you have an
9 objection?

10 MR. GOLDSTEIN: I would like to have a question
11 come out of all this. I mean, I have no problem if
12 she makes a statement.

13 MS. HILL: Q The question is that Exhibit 4
14 shows 889 at the bottom, but my bills that I have
15 been receiving for a year has 889 for the second
16 floor.

17 A That is correct. That is why the
18 adjustment took place on your account.

19 Q But this is the position (indicating) that
20 they're measuring from.

21 A That is correct. Which is why on
22 Exhibit 1A, everything under that particular meter

1 number was canceled out and we rebilled you.

2 This whole thing is because you were
3 being billed for that meter number, but you should
4 have been billed for the meter number ending with
5 891.

6 Q Okay. Then two more things I'll just say.

7 889, when I moved there and up until
8 two weeks after August 12th, was attached to the
9 second floor, as my bill reflects that. As I said,
10 a meter is a meter. This is what was told from the
11 ComEd person. If I took the meter from my house and
12 attached it to your house, it's just going to read
13 the usage that you use. It doesn't matter, you
14 know, the numbers. It's just going to read the
15 usage.

16 So, you know, all I was trying to say
17 is, okay, before you do any corrections because if
18 the first floor is using some usage, don't give me
19 that meter until they take care of what they have to
20 take care of and don't switch the meter that we
21 have, okay, you know, until we finish with our
22 paying off our bill, which we had been doing

1 already. And what happened was they just went,
2 That's yours, and attached that -- the meter that
3 was attached to the first floor and now gave it back
4 to me.

5 That's all I have to say.

6 JUDGE RILEY: Okay. Does that essentially
7 conclude all the questions you have for Ms. Marsaw?

8 MS. HILL: Yes.

9 JUDGE RILEY: Okay. Thank you.

10 EXAMINATION

11 BY

12 JUDGE RILEY:

13 Q Ms. Marsaw, I just have a couple of quick
14 ones of my own.

15 One is that on Exhibit 1B, with the
16 August 14, 2008 billing adjustments --

17 A Yes.

18 Q -- and the charge amounts, now these are
19 the correct amounts that I understand Ms. Hill
20 should have been billed --

21 A That is correct.

22 Q -- why does it still read the wrong meter,

1 the 889 meter? Shouldn't it read Meter 891?

2 A The very first thing they have to do is --
3 it's not going to indicate that particular meter
4 number when they do the rebilling process
5 because -- if you would go to -- I usually find it
6 easier to go to the read numbers, as of August 14th
7 of '08, the very first one is 46363. If you go up
8 to the very top, the very first cancelation, that
9 read date is 46363. So the very first step is to
10 make the corrections to the dollar amounts and then
11 the adjustments take place as far as the meter
12 numbers.

13 Q I see. So it doesn't really reflect that
14 this was the 889 meter.

15 A That's correct.

16 Q They just didn't change the meter number at
17 that point.

18 A Yes.

19 Q Is there a document title for ComEd
20 Exhibit 2? Is there any particular name for that
21 document?

22 A Our billing department usually refers to it

1 as a mix meter breakdown sheet or a spreadsheet.

2 JUDGE RILEY: Now I want to return to Ms. Hill
3 very quickly.

4 FURTHER EXAMINATION

5 BY

6 JUDGE RILEY:

7 Q Ms. Hill, you live on the second floor of
8 this building and your daughter lived on the first
9 floor.

10 A Correct.

11 Q Did you ever see -- were you ever in the
12 first floor apartment?

13 A No, never.

14 Q Do you know if the first floor and the
15 second floor were configured the same?

16 A What do you mean?

17 Q When I say that I mean, was the
18 architecture the same, the rooms were all in the
19 same place.

20 A Yeah, the apartments -- yeah.

21 Q They were the same apartments, one right on
22 top of the other.

1 A Yes.

2 Q I guess what I'm getting at and I don't

3 know if Ms. Marsaw or you can answer this question.

4 I'll start with you, Ms. Hill.

5 What electric appliances did you have

6 in your place?

7 A The same ones I have now as when I came

8 there, television --

9 Q Refrigerator?

10 A Refrigerator. You know, basic appliances.

11 Q Electric lamps?

12 A No, I don't use my lamps. I mean, I have

13 lamps, but I don't use them. They are basically for

14 decorations.

15 Q Overhead lights?

16 A Yes, but because of, you know, my income, I

17 keep, you know, my lights -- I let my son in. You

18 know, I'm regulating, you know.

19 Q Do you use a space heater at all, an

20 electric space heater?

21 A Not until sometimes in the winter months.

22 Q Is it an electric stove or a gas stove?

1 A It's gas.

2 Q So no -- other than the television and
3 refrigerator --

4 A Exactly.

5 Q -- there was no extraordinary electric
6 usage.

7 A No.

8 Q Do you know if your daughter had any
9 particular --

10 A No.

11 Q -- extraordinary electric usage?

12 A No.

13 And one more thing I'd like to say,
14 too. The downstairs, she had just moved into the
15 apartment. Because before she moved into the
16 apartment they were working on the downstairs
17 apartment, you know. She moved in, you know, a
18 little after that.

19 JUDGE RILEY: Ms. Marsaw, the reason that I'm
20 asking these questions is that when Exhibit 2, when
21 you reconfigured the usage after the labeling was
22 changed and the usage and the amounts billed, there

1 was a \$642 discrepancy between the first floor and
2 the second floor for the same period of time. Do
3 you have any idea why one apartment would use that
4 much more electricity than the other?

5 MS. MARSAN: No. It's really no way for me to
6 actually know what was taking place within the unit.
7 I don't know what type of work was being done. I
8 don't know if the occupant in Unit 1 was there, or
9 if she was present. It's too many different factors
10 that fall into play as to why someone's bill is what
11 it is. How many people are on the first floor
12 compared to the second floor. What's on the first
13 floor compared to the second floor. How those
14 appliances are functioning.

15 JUDGE RILEY: All right. Then no one from ComEd
16 was ever in the second floor apartment and they
17 didn't do any kind of a study as to what appliances
18 were being used?

19 MS. MARSAN: Not that I know of. No.

20 JUDGE RILEY: All right. There was no record of
21 ComEd having that.

22 MS. MARSAN: No record.

1 JUDGE RILEY: Q Ms. Hill, was your daughter,
2 during this period in question that we're talking
3 about, was she the only occupant of --

4 A Yes.

5 Q -- the first floor?

6 A Yes.

7 Q And there was no one else living with her?

8 A No one else living with her.

9 Q All right. And do you have any idea of
10 what she may have had in that apartment that would
11 cause a \$642 discrepancy?

12 A Before she moved into the apartment they
13 were working down there.

14 Q All right.

15 A They were working downstairs in that first
16 floor, you know, for her to move in. So when she
17 moved in -- when she came down to the first floor,
18 what had happened was, also with that she had a past
19 due bill, which was the 600 and that's also, you
20 know --

21 Q No, that doesn't answer my question.

22 A I'm sorry.

1 Q I don't think there was an answer to my
2 question, really. It's just that when ComEd
3 reconfigured the usage and they compared the
4 readings for the first floor and the second floor
5 there was a \$642 -- so the first floor was obviously
6 using -- or the second floor was obviously using a
7 lot more electricity than the first floor.

8 A I'm on the second floor.

9 Q In other words -- no, you were billed for
10 first floor usage.

11 A Yes.

12 Q And then when they relabeled it and
13 reconfigured -- reconstructed the billings, you were
14 billed an additional \$642.14 and I'm wondering if
15 you have any idea how you can account for that
16 discrepancy?

17 A I don't know.

18 Q You said there was nothing extraordinary --

19 A No, my bills have been consistent.

20 Q -- in your apartment?

21 A Yeah.

22 JUDGE RILEY: And that's everything that I have.

1 MR. GOLDSTEIN: Judge, I would just point out,
2 since nobody really has an answer to your question
3 that the -- as indicated by ComEd's exhibits,
4 everything is based upon actual meter readings.

5 JUDGE RILEY: Actual readings, that's
6 understood.

7 MR. GOLDSTEIN: Okay.

8 JUDGE RILEY: You have a motion pending for the
9 admission of Exhibits 1A, 1B, 2, 3, 4, 5A and 5B.

10 MR. GOLDSTEIN: That's correct, Judge.

11 JUDGE RILEY: Ms. Hill, do you have an objection
12 to the admission into evidence of any or all of
13 these exhibits that Mr. Goldstein has offered?

14 MS. HILL: No.

15 JUDGE RILEY: Then Exhibits 1A, 1B, 2, 3, 4,
16 5A and 5B are admitted into evidence.

17 (Whereupon, Respondent's
18 Exhibits 1A, 1B, 2, 3, 4, 5A
19 and 5B were admitted in
20 evidence.)

21 JUDGE RILEY: I don't think that there's any
22 reason for us to go into closing briefs, or did you

1 want to, Mr. Goldstein?

2 MR. GOLDSTEIN: No closing brief that I would
3 like to file.

4 JUDGE RILEY: There's no closing brief you would
5 like to file. All right, understood.

6 Ms. Hill, do you have any preference
7 for filing a closing brief?

8 MS. HILL: I don't know what --

9 JUDGE RILEY: Just very briefly to explain it.
10 What you would do is write out a summary of this
11 case, arguing why you think that it should be held
12 in your favor. It would be filed with the Clerk's
13 Office.

14 From your demeanor, your response to
15 my description doesn't seem to me that you'd be
16 willing to --

17 MS. HILL: If they just submit whatever it was
18 to start this, just submit that.

19 JUDGE RILEY: All right. There's no reason to
20 go into the closing briefs.

21 Ms. Hill, did you just want to make a
22 closing statement of any kind?

1 MS. HILL: Oh, yes.

2 There has been no meter readers that
3 have been out to read our meters since we've been
4 there. We've even caught meter readers on the
5 street and say, Can you come out to read our meter?
6 We've called ComEd and told them, Could you also
7 send a meter reader? No one has come out to this
8 day, okay. Even after all of this, no one has never
9 came out.

10 JUDGE RILEY: All right. Thank you.

11 Mr. Goldstein, do you have any closing
12 remarks?

13 MR. GOLDSTEIN: Well, just in response to
14 Ms. Hill. As I pointed out previously, Judge, and
15 what the evidence indicates is that all of the
16 readings that were taken up until December of 2008
17 were based on actual meter readings.

18 JUDGE RILEY: All right. Do we have the
19 exhibits that were -- Ms. Hill's exhibits?

20 MR. PARISE: Over here, your Honor.

21 JUDGE RILEY: All right.

22 MS. HILL: I have these.

1 JUDGE RILEY: Those are the ones that I have to
2 have. Those are the ones that are marked.

3 Then if there is nothing further, I am
4 going to direct the court reporter to mark this
5 matter heard and taken.

6 Thank you very much.

7 MR. GOLDSTEIN: Thank you.

8 MS. HILL: Thank you.

9 HEARD AND TAKEN

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